

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 JOSEPH MARTIN NORTON, III,
10 Petitioner,
11 vs.
12 BRIAN E. WILLIAMS, et al.,
13 Respondents.

Case No. 2:16-cv-00894-RFB-CWH
ORDER

15 Petitioner has filed an ex parte motion for appointment of counsel (ECF No. 2). Whenever the
16 court determines that the interests of justice so require, counsel may be appointed to any financially eligible
17 person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he district court must
18 evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims
19 pro se in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952 (9th Cir.
20 1983). Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel.
21 See 18 U.S.C. § 3006A(a)(2)(B). Petitioner also has filed a motion for extension of time (ECF No. 4) to
22 pay the filing fee. The Court’s appointment of counsel is conditioned upon an and will become operative
23 upon the payment of the filing fee.

24 IT IS THEREFORE ORDERED that petitioner’s ex parte motion for appointment of counsel
25 (ECF No. 2) is **GRANTED**.

26 IT IS FURTHER ORDERED that petitioner’s motion for extension of time (ECF No. 4) is
27 **GRANTED**. Petitioner will have through April 27, 2017, to pay the \$5.00 filing fee.
28

1 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days from the
2 date that the filing fee is paid to undertake direct representation of petitioner or to indicate to the court his
3 inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake
4 representation of petitioner, he shall then have sixty (60) days from the payment of the fee to file an
5 amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent
6 petitioner, then the court shall appoint alternate counsel.

7 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof signifies
8 or will signify any implied finding of a basis for tolling during the time period established. Petitioner at all
9 times remains responsible for calculating the running of the federal limitation period under 28 U.S.C.
10 § 2244(d)(1) and timely asserting claims.

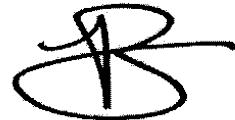
11 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General for the
12 State of Nevada, as counsel for respondents.

13 IT IS FURTHER ORDERED that upon Petitioner's payment of the filing fee pursuant to the
14 Court's order, and the filing of the petition, the clerk shall electronically serve both the Attorney General of
15 the State of Nevada and the Federal Public Defender a copy of the petition and a copy of this order.

16 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance within
17 twenty (20) days of entry of this order, but no further response shall be required from respondents until
18 further order of the court.

19 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a separate
20 index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that are filed
21 further shall be identified by the number or numbers (or letter or letters) of the exhibits in the attachment.
22 The hard copy of any additional state court record exhibits shall be forwarded—for this case—to the staff
23 attorneys in Las Vegas. The court otherwise waives compliance with Local Rule LR IA 10-3(e) with
24 regard to the exhibits

25 DATED: March 24, 2017.



26
27
28 RICHARD F. BOULWARE, II
United States District Judge